



Australian Government

Department of the Environment and Heritage

Heritage Strategies

**A guide for
Commonwealth agencies**

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Heritage strategies and the new heritage system

On 1 January 2004, heritage amendments to the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) came into force. Amendments have also been made to the *Environment Protection and Biodiversity Conservation Regulations 2000* (the Regulations). These have established a new heritage system to identify, protect and manage the natural, Indigenous and historic heritage values of places under Commonwealth ownership or control.

Under the Act, each Commonwealth (ie Australian Government) agency that owns or controls one or more places with heritage values must prepare a heritage strategy (*Commonwealth agency* is defined in section 528 of the Act).

What is a heritage strategy?

A heritage strategy is a written document that integrates heritage conservation and management within the agency's overall property planning and management framework.

Its purpose is to help the agency manage and report on the steps it has taken to protect and conserve the Commonwealth heritage values of properties under its ownership or control.

Who needs to prepare a heritage strategy?

Each Commonwealth agency that owns or controls one or more places with heritage values must prepare a heritage strategy.

While the legislation stipulates that an agency must specify, in its strategy, the period in which it will conduct a heritage identification program, it is envisaged that only agencies that have identified heritage values will be required to prepare a formal strategy in accordance with the Act and its Regulations.

When does a heritage strategy have to be prepared?

A Commonwealth agency has two years from the commencement of the new heritage legislation, or from the time it first owns or controls a place, in which to develop a heritage strategy and provide it to the Minister for the Environment and Heritage (the Minister).

The first step an agency should take in the strategy process is to conduct an identification of heritage values. Prior to making a heritage strategy, each agency must also consult with the Australian Heritage Council and take into account its advice. The Council may advise that a strategy is not warranted if no heritage values are identified in those places owned or controlled by an agency.

When should it be reviewed?

The agency must review its heritage strategy every three years and give the Minister a written report of the review.

Requirements for preparing a strategy

A heritage strategy must mention the period within which an agency must:

- (a) conduct a program to identify Commonwealth heritage values for each place its owns or controls, and
- (b) make a management plan under section 341S of the Act.

Specification of time periods for making plans may only be possible if heritage values have already been identified within the two-year period provided for completing a strategy. Otherwise, a more general framework for the completion of management plans may suffice.

The Regulations to the Act prescribe *Commonwealth Heritage Management Principles* (see inside back cover). These are broad principles about objectives, standards, processes and practices which the Australian Government has agreed should underpin the management of Commonwealth heritage places (*Commonwealth Heritage place* is defined in subsection 341C(2) of the Act). An agency's heritage strategy should not be inconsistent with these management principles.

The Regulations also detail what a heritage strategy must include.

Each requirement is listed below in *italics*. To assist agencies in preparing heritage strategies, you will also find explanatory text and references to the various examples, charters and toolkits.

Agencies need to make their own decisions on their use in satisfying the statutory requirements. The Regulations state:

1. A strategy must include:

- a) *a statement of the agency's objective for management of its heritage places*

The clearest way for an agency to recognise its heritage management responsibilities is to include them in its corporate plan as an objective. Wording of the objective may be as simple as:

'The [agency] recognises its responsibility to identify and care for the heritage property in its control, consistent with current best practice in conservation and property management.'

- b) *a description of how the heritage strategy operates within the agency's corporate planning framework*

The executive of the agency must ensure that the corporate plan, at the relevant program level, covers management of its heritage properties. In addition, corporate budgeting and financial reporting processes (including annual reports) should include, and make transparent, an appropriate budget to manage property with heritage values.

- c) *a list of key positions within the agency who are responsible for heritage matters*

The strategy must identify relevant personnel and their roles in identifying and managing heritage values, those responsible for decisions, approvals and actions, and those responsible for reviewing and reporting to the Minister (see also (g)).

- d) *an outline of a process for consultation and liaison with other government agencies on heritage matters*

The strategy must identify relevant state and Commonwealth legislation concerning the natural and cultural heritage environment. The relevant agency must identify and establish key contacts within each agency that administers the relevant Acts. It is also strongly recommended that the strategy should similarly identify contacts in the planning department(s) of the relevant local government(s). A checklist for approvals and/or consultation requirements can be a useful administrative tool.

- e) *an outline of a process for consultation and liaison with the community on heritage matters, including, in particular, a process for consultation and liaison with Indigenous stakeholders on Indigenous heritage matters*

The agency needs to consult all people and organisations with interests in the property's values and use, especially when developing the strategy and management plans (refer to section 3b below). *Protecting Local Heritage Places* is a useful aid to develop a community involvement plan.

The benefits of consultation include not just additional knowledge or experience of a property but also assistance in resolving conflict prior to commitment to a management regime. Community involvement should start with a consultation plan, which includes consultation with Indigenous people - if a place appears to have heritage values for Indigenous people, steps for effective consultation can be found in *Ask First: A guide to respecting Indigenous heritage places and values*.

An investigation of the Native Title status of the place is recommended. Further information can be obtained from the National Native Title Tribunal at www.nntt.gov.au or by telephoning 1800 640 501.

- f) *an outline of a process for resolution of conflict arising from the assessment and management of Commonwealth heritage values*

The strategy needs to address the possible conflicts that may arise from the management of the heritage values of places, document a conflict resolution process, and nominate the person who will mediate the process or, alternatively, the way in which the mediator would be selected.

- g) *an outline of processes for monitoring, reviewing and reporting on the implementation of an agency's heritage strategy*

The strategy must provide for regular monitoring, review and reporting on the conservation of Commonwealth heritage values. It must include a timetable for the review process over the life of the strategy, identifying who is responsible for the review and reporting to the Minister - see (e) above. It is important also to set in place mechanisms to monitor and evaluate the success of the strategy.

2. A strategy must include matters relating to identification and assessment of Commonwealth heritage values, including the following:

a) an outline of the process for identifying and assessing the Commonwealth heritage values of all agency property

Each Commonwealth agency needs to be aware of the extent of heritage property under its control. If it has not already done so recently, it must undertake an inventory program to identify and assess its Commonwealth heritage values.

Australia's natural and cultural heritage comprises the components of the environment that have aesthetic, historic, scientific or social significance or other special value for future generations as well as for the present community. Places are assessed against criteria for Commonwealth heritage values (Subregulation 10.03A (2) of the Regulations)

b) a statement of the time-frames for the completion of the agency's heritage strategy:

- i) program for heritage identification and assessment*
- ii) register of Commonwealth heritage places with Commonwealth Heritage values*
- iii) report to the Minister, that includes details of the program and a copy of the register.*

The strategy must outline the details of the program, how it will be completed and who will be responsible.

3. A strategy must include matters relating to the management of Commonwealth heritage values, including the following:

- a) *a description of how the agency's heritage places register will be maintained, updated and made accessible to the public*

An agency's heritage places register should be kept in electronic format. If an agency manages a large number of heritage properties, it may find efficiencies in the use of database software.

The register should be accessible to all property management staff, including those responsible for property maintenance. Once data is entered, it should be reviewed and updated on a regular basis. One way to approach this can be found in the Department of Defence's draft paper, *Defence Heritage Toolkit* (see page 9)

- b) *a statement of the timeframe for preparing management plans for the agency's Commonwealth heritage places*

The statement should include a section on roles and responsibilities to identify who is required to complete the plans and who has authority to approve the final product. The timeframe should consider any works or major changes proposed for properties with Commonwealth heritage values. Management plans would be a priority for these places.

The management plan can provide guidance to new works and identify options to conserve the heritage values of the property while still providing for the changes required.

NB: A management plan can be made for more than one place -ie a separate plan is not necessarily required for each place with heritage values (see section 341W).

- c) *an outline of the existing use of heritage places by the agency*

Document the existing uses of the property and determine whether there is a conflict between its heritage significance and its existing use and/or proposed new use.

- d) *an outline of current or expected development, works, disposal or other proposals that may affect Commonwealth heritage values*

A heritage strategy should cover the management requirements, the physical condition, and heritage considerations of properties that may be subject to development, disposal or other proposals with consequences for the Commonwealth heritage values. An example is the draft *Defence Heritage Toolkit* (see 'Section 7 - Heritage Management Planning'). It is important to note that some development works may have to be referred under the Act. Separate guidelines and provisions apply (see: www.deh.gov.au/epbc)

- e) *an outline of the process to ensure that Commonwealth heritage values are considered in the agency's planning for future development, works, divestment or other proposals*

Identify heritage issues early in the project planning to ensure proposals for development and other significant changes do not destroy or degrade heritage values. Consult the Heritage Division of the Department of the Environment and Heritage, or seek advice from a heritage consultant to help identify options for managing changes while protecting the heritage values of the property. The heritage strategy should outline how heritage values will be included in the agency's property planning processes, and the consultation arrangements for each stage of planning (see (e) and (g) above).

Develop a management plan for the property to ensure its heritage values are conserved. The accepted methodology for conservation management plans for historic places is outlined in the Australia ICOMOS *Burra Charter* and in Dr J S Kerr's *Conservation Plan*. The *Australian Natural Heritage Charter* documents the contents of a management or conservation plan for natural places. These documents should also be referred to for the development of the heritage strategy. For Indigenous places refer to both the *Burra Charter* and *Ask First*.

Management plans can guide major changes to places to ensure heritage values are conserved. As noted at section 3(b) above, the timeframe to prepare management plans of places on the Commonwealth heritage places register should be included in the heritage strategy. The Regulations outline the matters to include in a management plan, and another guide addresses the accreditation process for management plans (see Schedule 7A).

- f) *a plan and budget for the maintenance and long-term conservation of Commonwealth heritage values*

The budget for the heritage management plan must be reconciled with (and made transparent in) an agency's audited annual report. The plan should also identify the relevant line area that would provide first point of contact for further enquiries.

- g) *an outline of the process by which the success of the agency in conserving Commonwealth heritage values will be monitored and reviewed*

An agency must review its heritage strategy every three years and report to the Minister of the Environment and Heritage on the review. To facilitate its process of triennial reviews, the agency should establish benchmarks against which it can measure success in conserving the heritage values of properties under its ownership or control.

Monitoring will also allow for a review of actions, facilitation of ongoing data collection, and guidance in the modification of management plans to achieve required conservation outcomes. Although management plans should include programs for periodic review, these programs should be flexible enough to cover unforeseen situations when important new information or data may become known thus requiring changes to management actions.

4. A strategy must include matters relating to Commonwealth heritage training and promotion, including the following

- a) A program for training of agency staff about Commonwealth heritage obligations and best practice heritage management*

Clarify the scope of training needs for heritage property identification and management by linking and identifying it to the relevant corporate objectives.

Approaches to defining training needs and outcomes, as well as sample modules, are documented in the *Draft Heritage Asset Management Manual*.

- b) a program for promoting community awareness of Commonwealth heritage values, as appropriate*

A program could include publication, public education and awareness initiatives.

Review of heritage strategies and reporting

An agency must review its heritage strategy every three years and report to the Minister on the review. Under the Regulations, the report must cover the following:

- a) an outline of consultation undertaken with relevant stakeholders in review process*
- b) a summary of the agency's achievements against its objectives for management of its heritage places*
- c) an evaluation of the success of each of the matters included in an Commonwealth agency heritage strategy in achieving the identification, protection, conservation and presentation of Commonwealth heritage values*
- d) an update on the extent to which the identification and assessment of Commonwealth heritage values of all agency property has been achieved, and the values included in an agency's heritage places register*
- e) an update on the progress and timeliness of the preparation of management plans for Commonwealth heritage places*
- f) an outline of physical changes that have occurred to the agency's Commonwealth heritage places since the last strategy was prepared, and of any expected changes*
- g) an update on progress with Commonwealth heritage training programs*
- h) a specification of the timeframe for updating the heritage strategy following the review*
- i) an update on other Commonwealth heritage issues relevant to the agency's management of Commonwealth heritage places in accordance with the Commonwealth Heritage Management Principles (see inside back cover).*

Useful sources of information

Websites

EPBC Act and Regulations - www.deh.gov.au/epbc/about
Heritage amendments - www.deh.gov.au/heritage/laws/overview
New heritage system - www.deh.gov.au/heritage/whatsnew
Defence Heritage Toolkit - www.defence.gov.au/environment/heritage/pages/heritagetoolkit.pdf

Publications

Current best practice guides advocate a careful approach in undertaking any activities in places with Indigenous, natural and historic significance. These references outline the current standards expected in heritage work.

Australian Heritage Commission, 2003, **Protecting Natural Heritage - using the Australian Natural Heritage Charter**, second edition. www.ahc.gov.au

Australian Heritage Commission, 2002, **Australian Natural Heritage Charter for the conservation of places of natural heritage significance**, second edition. www.heritage.gov.au/keyresources.html

Australian Heritage Commission, 2002, **Ask first: A guide to respecting Indigenous heritage places and values**, Canberra. www.heritage.gov.au/keyresources.html

Australian Heritage Commission, 2001, **Australian Historic Themes: a framework for use in heritage assessment and management**, Canberra. www.ahc.gov.au

Australian Heritage Commission, 2000 (1998), **Protecting Local Heritage Places - A guide for communities**, Canberra.

Australia ICOMOS, 1999, **The Burra Charter (The Australia ICOMOS Charter for places of cultural significance)**. (Available on Australia ICOMOS website.)

Austroroads, 1998, **Principles for Strategic Planning**, Sydney. www.austroroads.com.au

Department of Communication and Arts, 1996, **Heritage Asset Management Manual: draft**, produced by the Committee of Review-Commonwealth Owned Heritage Properties, Canberra.

Kerr, JS, 2002, **The Conservation Plan**, National Trust of Australia (NSW), Sydney.

Marquis-Kyle, P & Walker, M, 1992, **The Illustrated Burra Charter**, Australia ICOMOS, Sydney.

Pearson, M & Sullivan, S, 1995, **Looking after heritage places. The basics of heritage planning for managers and administrators**, Melbourne University Press, Carlton.

Guidelines issued by state and territory heritage agencies (contact the relevant state/territory agency, via their website).

Titles written and/or published by the Australian Heritage Commission are available on the website www.ahc.gov.au

For further Information

If you would like to discuss a heritage strategy or its review, please contact us on
(02) 6274 2450

Heritage Division
Department of the Environment and Heritage
GPO Box 787
Canberra ACT 2601
Tel: (02) 6274 1111
Fax: (02) 6274 2095
Email: heritage@deh.gov.au
Website: www.deh.gov.au/heritage

Types of heritage

Historic

- Includes places associated with the non-Indigenous cultural heritage of Australia encompassed in the country's history. It can include buildings, monuments, gardens, industrial sites, landscapes, cultural landscapes, archaeological sites, groups of buildings and precincts, or places which embody a specific cultural or historic value. It is important to note that equipment, furniture, fittings and articles associated or connected with a building or structure are included in the definition of *place* under the Act (Section 528).
- Historic places tell us about national and social developments in Australia over the past few centuries, technical and creative achievements, and provide a tangible link to past events, processes and people.

Indigenous heritage

- Includes all places that are part of Aboriginal and Torres Strait Islander peoples' spiritual links to the land or which tell the story of Indigenous peoples from time immemorial to the present.
- It can include sacred sites, ceremonial sites like bora rings and rock art, fish traps, burials, middens, scarred trees, camp sites and semi/permanent settlements.

Natural heritage

- The natural features consisting of physical and biological formations of groups of such formations, which demonstrate natural significance.
- Geological and physiographical formations and precisely delineated areas that constitute the habitat of indigenous species of animals and plants, which demonstrate natural significance.
- Natural sites or precisely delineated natural areas, which demonstrate natural significance from the point of view of science, conservation or natural beauty.

** For further information please refer to the relevant heritage charters*

How to identify Commonwealth Heritage Values

This may be undertaken by gathering information about a specific property by research and review of available physical, oral, documentary and other information, including information from Indigenous people.

Studies

Thematic and regional studies are generally considered a better approach for generating the identification of heritage places. They can be developed from histories of land use, agency activities, regional conditions, and contemporary technologies and design employed by the agency at the time of construction. Places that best represent relevant themes are determined by their existing integrity.

Heritage lists and experts

Heritage places may have already been identified on a range of statutory and non-statutory lists. The data can be further developed for an agency register by using people with appropriate experience, knowledge and training to inspect and document the physical characteristics of the property and the property's heritage potential.

The data should provide sufficient information to demonstrate significance for assessment against criteria, but not necessarily detailed enough to guide management decision-making.

Agency register

All places that have existing heritage listing along with those places with potential for a statutory heritage assessment would need to be entered in the agency register. The requirements for an agency register are set out in subregulation 10.3G (2) of the Regulations.

Store the information in a readily retrievable form:

- develop a register of the information, and
- keep the records associated with all stages of the conservation of the property in a permanent archive.

Databases

The complexity of the agency register will depend upon the number of properties the agency has. If there are many heritage properties in the agency's estate, then an electronic database may need to be developed.

The register may be linked to an asset management database that includes processes for monitoring, compliance and review.

Heritage registers have been established by agencies such as CALM in Western Australia and the CSIRO.

Seeking advice

Agencies must seek appropriate professional advice. Ensure that relevant Indigenous people are actively involved in the process of identifying their heritage places and values. Be aware that Indigenous involvement in identification processes may be the only way to establish some values (see: *Ask First*).

Commonwealth Heritage Management Principles

1. The objective in managing Commonwealth Heritage places is to identify, protect, conserve, present and transmit, to all generations, their Commonwealth Heritage values.
2. The management of Commonwealth Heritage places should use the best available knowledge, skills and standards for those places, and include ongoing technical and community input to decisions and actions that may have a significant impact on Commonwealth Heritage values.
3. The management of Commonwealth Heritage places should respect all heritage values of the place and seek to integrate, where appropriate, any Commonwealth, state and territory and local government responsibilities for those places.
4. The management of Commonwealth heritage places should ensure that their use and presentation is consistent with the conservation of their Commonwealth Heritage values.
5. The management of Commonwealth Heritage places should make timely and appropriate provision for community involvement, especially by people who:
 - (a) have a particular interest in, or associations with, the place, and
 - (b) may be affected by the management of the place.
6. Indigenous people are the primary source of information on the value of their heritage and the active participation of Indigenous people in identification, assessment and management is integral to the effective protection of Indigenous heritage values.
7. The management of Commonwealth Heritage places should provide for regular monitoring, review and reporting on the conservation of Commonwealth Heritage values.